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Attorneys for Cerner Corporation and Cerner Revenue Cycle, LLC

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:)	Case No. 19-01189-WLH11
ASTRIA HEALTH,)	
Debtor.)	
)	
ASTRIA HEALTH,)	Adv. Proc. No. 21-80005-WLH
)	
Plaintiff,)	
v.)	DEFENDANT'S MOTION FOR
)	PROTECTIVE ORDER TO
CERNER CORPORATION AND)	PREVENT PLAINTIFFS FROM
CERNER REVENUE CYCLE, LLC,)	SERVING SUBPOENAS ON
)	CERNER'S CLIENTS
Defendants.)	

1 In accordance with Fed. R. Civ. P. 26(c), Defendant Cerner Corporation
2 moves the Court to enter a protective order prohibiting Plaintiff Astria Health from
3 serving subpoenas seeking documents from Cerner's clients Benewah Community
4 Hospital and Trinity Health.

5 In support of its motion Cerner states:

6 1. Benewah Community Hospital and Trinity Health are current Cerner
7 clients;

8 2. The materials Astria will ask Benewah and Trinity Health to produce
9 are harassing, overbroad and seek to inquire into collateral matters unrelated to
10 the dispute between Astria and Cerner. For example, Astria's proposed subpoena
11 to Trinity seeks information about a dispute Trinity initiated in 2012.

12 3. Astria's proposed subpoenas are also improper under Fed. R. Civ. P.
13 45(c)(3)(B)(i) because, to answer Astria's subpoenas, Cerner's clients would
14 either have to produce documents arising from a confidential business relationship
15 (Benewah) or litigation/arbitration documents that were subject to a
16 confidentiality agreement (Trinity).

17 4. Astria's proposed subpoenas to Cerner's clients are also improper
18 because—if Astria believed the documents it seeks were relevant and
19 proportional under Rule 26—it could have requested the documents from Cerner
20 through a Rule 33 or Rule 34 discovery request.

1 For the reasons set forth herein more fully in Cerner's Memorandum in
2 Support of its Motion, Cerner respectfully asks the Court to enter a protective
3 order to forbid Astria from serving its proposed subpoenas to Benewah
4 Community Hospital and Trinity Health.

5 Dated: November 15, 2021.

6 /s/ Bruce K. Medeiros

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